IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CIVIL WRIT PETITION NO. 1386/1998

TARA CHAND Vs. R.S.E.B., JAIPUR & ANR.

Date: 10.11.2006.

HON'BLE MR. K.S. RATHORE, J.

Mr. Neeraj Bhatt for the petitioner.
Mr. Manish Bhandari for the respondents.

****

This writ petition is preferred by the petitioner when he was in service seeking promotion on the post of Switch Board Attendant (S.B.A)-I/ Sub Station Attendant (S.S.A)-I w.e.f. the date from which his juniors were promoted. He placed the seniority list as well as promotion orders to show that juniors than the petitioner were given promotion, whereas the petitioner has been denied. The petitioner after serving notice for demand of justice has preferred this writ petition.

In reply to the writ petition, the learned counsel for the respondents categorically stated that for this purpose earlier also the petitioner had preferred a writ petition which was registered as S.B. Civil Writ Petition No. 887/1980 and vide order dated

08.05.80 this Court was pleased to issue show cause notice and also directed to respondents not to revert the petitioner and the said writ petition was dismissed as withdrawn and the stay order granted by this Court also stand rejected. Now for the same cause of action, the present writ petition has been preferred by the petitioner. Further the learned counsel for the respondents submitted an order dated 26.04.80 (Annexure-R/1), by which in pursuance of the decision taken by the Fixation Committee in its meeting held on 16.04.80, the petitioner who was fixed/adjusted/ promoted as Sub-Station Attendant-II w.e.f. 01.04.68 vide fixation order dated 01.05.76 has been reverted back to the work charged position i.e. Work Charge Helper w.e.f. 01.04.68. Admittedly this order has not been challenged by the petitioner.

Thus, without challenging the said reversion order dated 26.04.80, the petitioner is seeking the relief of promotions on the higher posts. It is further observed that the petitioner has concealed the material fact that earlier also he had filed a writ petition. It is admitted position that the petitioner has failed to challenge the order dated 26.04.80.

In such circumstances, relief claimed by the petitioner cannot be granted at this stage and during

pendency of the writ petition, the petitioner also retired from service after attaining superannuary age Now the petitioner apprehends that as per the reversion order dated 26.04.80, the respondents may recover the arrears which have been paid to the petitioner. In such eventuality, the petitioner is given liberty to challenge that order before the appropriate forum, but in any case, at this stage, I find no merit in the writ petition.

Consequently, the writ petition fails and the same is hereby dismissed.

(K.S. RATHORE),J.

/KKC/